

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the present application are respectfully requested in view of the amendments to the claims and remarks presented herewith, which place the application into condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 1-38 are pending in this application. In the Office Action mailed October 13, 2006, claims 28-38 are allowed, claims 5, 11, 13, 15, 16, 21, 26 and 27 are found to contain allowable subject matter and claims 1-4, 6-12, 14 and 17-26 are rejected. By this Amendment, claims 1, 15 and 17 are amended as detailed above; claims 5, 11, 13, 21, 26 and 27 are canceled without prejudice to their subsequent prosecution in any continuing application or disclaimer of the proprietary rights set forth therein; and new claims 39-44 are added. Support for the claim amendments can be found throughout the Specification, for example, ¶¶ [0054] and [0058] of the instant application. It is believed that no new matter has been introduced by this amendment.

Initially, the Examiner is thanked for allowing claims 28-38 and for indicating that claims 5, 11, 13, 15, 16, 21, 26 and 27 contain allowable subject matter. Accordingly, new independent claim 39-44 are added as outlined above, incorporating the subject matter of claims 5, 11, 13, 15, 16, 21, 26 and 27.

The Examiner is also thanked for granting Applicants' attorneys a telephone interview on December 14, 2006. Participants in the interview included Examiners E. Hug and Applicants' representatives R. Santucci and A. Mustillo. During the interview, proposed claim amendments were discussed. Specifically, amending the claims as detailed above was discussed. The Examiner indicated that amending the claims in this manner would increase the probability of traversing the instant claim rejections.

## **II. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 112**

In the Office Action, claims 1-27 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter. As detailed above, independent claims 1 and 17 have been amended to obviate the rejection. Accordingly, Applicants' attorneys respectfully request that the § 112 rejections be withdrawn.

## **III. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

In the Office Action, claims 1-4, 6-10, 12, 14, 17-20 and 22-25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U. S. Patent No. 5,839,479 to Gulya et al. ("Gulya") in view of U.S. Patent No. 4,171,009 to Karm ("Karm"). The rejections are traversed for at least the following reasons.

As recited in revised independent claim 1, the instant invention is directed to a papermaker's fabric comprising, *inter alia*, a top and bottom layer of CD weft yarns and a system of MD warp yarns "wherein said top layer of CD weft yarns form floats longer than those of MD warp yarns on the forming surface of the fabric." Applicants' attorneys respectfully submit that the cited references, either alone or combination, fail to disclose or suggest such a fabric.

As understood by the Applicants, Gulya relates to a papermaking fabric for increasing bulk in the paper sheet during forming or through air drying, which is comprised of a system of MD filaments selectively interwoven with a system of CD filaments having smaller and larger filament subsets. Gulya shows a specific relationship between the floats on the paper side versus the bottom side. The MD filaments and larger CD filaments of Gulya define maximum float lengths on opposite sides of the fabric that differ by no more than one filament of the other

system. For example, looking at figure 2, there is a wear side MD float of five, the large CD yarn contour of figure 4 there is a sheet side float of four and looking at the small CD yarn contour of figure 3 there is a sheet side float of three. Therefore the large CD yarns have longer floats than small CD yarns and the MD yarns have longer floats than the large CD yarns. This means, unlike with the instant invention, in Gulya, the MD yarns form floats of maximum length.

As presently understood by the Applicants' attorneys, Karm relates to an endless forming fabric comprising at least two layers of CD yarns and one layer of MD yarns i.e. a double layered fabric. The upper loops formed by the MD yarns cover from three to seven CD yarns of the upper layer. The leading crossing points of these upper loops with the CD yarns are distributed in a weave pattern using at least five MD yarns. The lower loops formed by the MD yarns, on the machine side of the fabric, pass each time only underneath a single CD yarn of the lower layer. However, column 2, lines 57-62 and column 5, lines 64-68 of Karm, discloses that the use of longitudinal floats in the machine direction in order to contact the sheet of paper and avoid the CD yarns from creating sheet marks. On the contrary, the instant invention teaches that it is better to achieve sheet contact using longer CD floats on the forming surface of the fabric, and not MD floats. Therefore, Gulya and Karm, both, teach away from the instant invention. Additionally, Gulya and Karm considered alone or in combination do not teach or disclose the above identified feature of claim 1. Specifically, neither of the references teach or suggest the top layer weft yarns having the same contour to produce a plane difference in the forming surface of the fabric, wherein the top layer of CD weft yarns form floats longer than those of MD warp yarns on the forming surface of the fabric, as recited in claim 1.

For at least the foregoing reasons, Applicants' attorneys respectfully submit that amended

independent claim 1 patentably distinguishes over the relied upon portions of Gulya and Karm, either alone or in combination, and is therefore allowable. In addition, amended independent claim 17, which is similar in scope to revised claim 1, is patentable for similar or somewhat similar reasons. Further, claims 2-4, 6-10, 12 and 14, which depend from claim 1 and claims 18-20 and 22-25, which depend from claim 17, are allowable as well. In addition, new independent claims 39-44, which contain subject matter that was deemed allowable are also allowable along with claim 15, which depends from claim 41.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

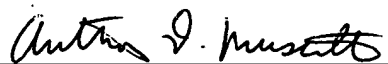
The Examiner has made of record, but not applied, several documents. Applicants' attorneys appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art and an early and favorable consideration thereof is solicited. Accordingly, a Notice of Allowance is earnestly solicited.

A check for \$1,200.00 in payment of the fee under 37 C.F.R. § 1.16(h) is enclosed to cover the cost of 6 additional independent claims. The Commissioner is authorized to charge any additional fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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